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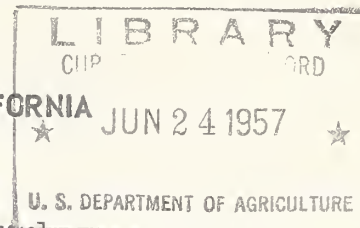
DRIED FIG ORDER No. 64
Effective October 5, 1956

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

HANDLING OF DRIED FIGS PRODUCED IN CALIFORNIA

ORDER AMENDING ORDER REGULATING HANDLING

[Reprinted from Federal Register of October 5, 1956 (21 F. R. 7649)]



PART 964—DRIED FIGS PRODUCED IN
CALIFORNIA

SUBPART—ORDER REGULATING HANDLING
MISCELLANEOUS AMENDMENTS

§ 964.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary, and in addition, to the findings and determinations which were previously made in connection with the original issuance (20 F. R. 1685) of this marketing order, and all of said previous findings and determinations are hereby ratified and confirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900; 19 F. R. 57), a public hearing was held at Fresno, California, on June 11, 1956, upon proposed amendments of Marketing Agreement No. 123 and Order No. 64 (7 CFR Part 964; 20 F. R. 1685), regulating the handling of dried figs produced in California. Upon the basis of the evidence adduced at such hearing, and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as hereby amended, regulates the handling of dried figs produced in California in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activities specified, or necessarily included, in the proposals upon which the amendment hearing was held; and

(3) There are no differences in the production and marketing of dried figs in the production area covered by this marketing order, as hereby amended, which make necessary different terms applicable to different parts of such area.

b) *Additional findings.* It is hereby found and determined that good cause exists for making the provisions of this amendment order effective not later than the date of its publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone the effective date until 30 days after such publication (see 5 U. S. C. 1001 et seq.).

The new crop year under the marketing order began on August 1, 1956, and dried figs are now being handled under the existing provisions of the order. The provisions of these amendments, particularly those relating to inspection procedures which will resolve previous difficulties in administering program operations, should be made effective as early in the crop year as possible. The provisions of this order are well known to handlers. The public hearing in connection therewith was held at Fresno, California, on June 11, 1956, and the recommended decision and the final decision were published in the FEDERAL REGISTER on July 18, 1956 (21 F. R. 5376), and August 16, 1956 (21 F. R. 6140), respectively. Copies of the provisions of the amendments to the order were made available to all known interested persons, and compliance with such provisions will not require advance preparation on the part of persons subject thereto.

(c) *Determinations.* It is hereby determined that:

(1) The "Agreement Amending the Marketing Agreement Regulating the Handling of Dried Figs Produced in California," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping dried figs covered by this order) who, during the period August 1, 1955 through July 31, 1956 handled, as the first handlers thereof, not less than 50 percent of the volume of dried figs covered by the marketing agreement which is hereby amended;

(2) The issuance of this order amending the aforesaid order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1955 through July 31, 1956), were engaged, within the State of California, in the production of dried figs for market; and

(3) The issuance of this order amending the aforesaid order is favored or approved by producers who participated in the aforesaid referendum and who, during the determined representative period, produced at least two-thirds of the dried figs represented in such referendum and produced within the State of California for market.

It is, therefore, ordered, That, on and after the date of the publication of this document in the FEDERAL REGISTER, all handling of dried figs produced in California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as hereby amended, as follows:

1. Delete the provisions of § 964.21 (a) and substitute for existing paragraph (a) the provisions of paragraph (c) of that section, relettered as paragraph (a), and amended to read as follows:

§ 964.21 *Selection and term of office of members of the committee—*(a) *Selection of members.* Selection of the 10 members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by those groups, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made upon the basis of the representation provided for in §§ 964.22, 964.23 and 964.25.

2. Amend the provisions of § 964.21 (b) to read as follows:

(b) *Term of office of members.* The 10 members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 1 and shall serve until their respective successors shall be selected and shall qualify; and in the event the committee shall nominate an eleventh member he may be selected by the Secretary to serve for one year beginning July 1

3. Amend the provisions of § 964.24 (a) to read as follows:

§ 964.24 *Nomination of producer members of the committee—*(a) *Nomination meetings.* Nominations for producer members and alternate producer members of the committee shall be made at a meeting or meetings of producers held in each of the foregoing districts. Such meetings shall be called by the committee at such times and at such places within such districts as the committee shall designate, prior to May 1 of each year. The producers at each of such meetings shall select a chairman and secretary therefor. After nominations have been made, the committee shall transmit forthwith to the Secretary its certificate showing the name of each person for whom votes have been

cast, whether as a member or as alternate for a member, and the number of votes received by each such person.

4. Amend the provisions of § 964.26 to read as follows:

§ 964.26 *Nomination of handler members.* The committee shall cause to be held each year prior to May 1, a meeting or meetings of handlers affected by this part for the purpose of obtaining nominations of persons to serve as handler members and alternate members of the committee.

5. Amend the provisions of paragraph (c) of § 964.34 to read as follows:

(c) *Voting requirements.* No action shall be taken by the committee at an assembled meeting including the nomination of an eleventh member unless a quorum is present and a concurring vote of not less than three producer members and three handler members, or alternate

members acting in the place and stead of members, is obtained; *Provided however,* That any recommendation to establish volume regulation under § 964.55 shall require the concurring vote of not less than four handler members and four producer members, or alternate members acting in the place and stead of members. The committee may vote by mail or telegraph, when there is no assembled meeting, but any proposition to be so voted upon first shall be explained accurately, fully and identically by mail or telegraph to all members. A unanimous vote of all members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. Failure to receive a vote from any member or from his alternate acting in his place and stead, within a prescribed time, shall be held to be a dissenting vote. No action to establish volume regulation under § 964.55 can be taken on the basis of a mail or tele-

graphic vote.

6. Amend the provisions of subparagraph (2) of paragraph (c) of § 964.90 to read as follows:

(2) For dried figs being prepared as fig paste, or sliced dried figs being prepared as fig paste, or sliced dried figs being prepared for disposition as sliced dried figs: (i) Total defective figs shall not exceed 10 percent including not more than 5 percent of insect infested dried figs, and (ii) no sliced dried figs or fig paste shall contain more than 13 insect heads per 100 grams.

Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: October 2, 1956.

SEAL]

EARL L. BUTZ,
Assistant Secretary.